

REMARKS

In response to the Office Action mailed May 22, 2003, Applicants respectfully request reconsideration. To further the prosecution of this application, each of the issues raised in the Office Action is addressed herein.

Claims 1, 16-19, 21, 22, 25-33 and 66-298 presently are pending in this application, of which claims 1, 16, 17, 25, 33, 66, 80, 85, 86, 88 and 175 are independent claims. By this Amendment, Applicants have amended the drawings, specification, and claims 25, 27, 33, 86, 88, 175-182, 201, 242, 293, 294, 295 and 297. The application as now presented is believed to be in allowable condition.

A. Amendments to the Drawings

In item 2 on page 2 of the Office Action, the drawings were objected to because allegedly they did not include the reference sign (401) as mentioned on line 16, page 31 of the specification, and the reference sign (2309) as mentioned on line 15, page 36 of the specification. With respect to the former assertion, Applicants agree that the reference sign (401) does not appear in the drawings, and hence have amended the specification, as discussed below in Section B, to address this issue. With respect to the latter assertion, Applicants respectfully disagree, as the reference sign (2309), indicating natural sunlight (as mentioned on line 15, page 36), is clearly shown in the upper right hand corner of Fig. 11. In view of the foregoing, the objections to the drawings noted in the Office Action should be withdrawn.

While reviewing the present application in preparation for this response, Applicants discovered two other minor typographical errors in the drawings. First, in Fig. 10a, the reference sign used to indicate a manual controller for the lighting system (2000) should be (2036) rather than (2031). This correction makes the reference signs used in Figs. 10a and 10b consistent with each other and with the specification in the passage from page 32, line 15 to page 33, line 19. Second, in Fig. 29, the reference sign (1193) originally used to indicate a mounting for the lighting fixture (1150) should instead be (1153), consistent with the specification on page 56, line 2. No new matter is introduced by these amendments.

The above-discussed changes to Figs. 10a and 29 are indicated in red on the attached sheets each labeled "Annotated Sheet Showing Changes." Clean copies of these formal

drawings with the proposed amendments implemented thereon also are attached, each labeled as "Replacement Sheet."

B. Amendments to the Specification

In item 3 on page 2 of the Office Action, the specification was objected to for various minor informalities. The Amendments herein address each of the issues raised by the Examiner in this regard.

Additionally, the specification has been amended to address minor informalities noted in connection with the drawings. For example, on page 31, the specification has been amended to delete the reference to a user interface (401). Thus, there is now no need to include the reference sign (401) in the drawings. Likewise, the specification has been amended on page 36 to correct inconsistencies in the use of the reference sign (2309). As mentioned above, these amendments are believed to overcome the objections to the drawings.

C. Claim Objections

In item 4 on page 2 of the Office Action, claims 201, 242, 293-295 and 297 were objected to because of minor informalities relating to lack of antecedent basis for some limitations recited in these claims. Each of the informalities noted in the Office Action with respect to these claims is addressed by the amendments herein.

D. Claim Rejections Under 35 U.S.C. §112

In item 5 on page 3 of the Office Action, claims 109, 115, 116, 120, 148, 155, 168, 171, 174, 188, 191, 198, 225 and 230 were rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Applicants respectfully traverse these rejections.

With respect to claims 109, 148, 168, 188 and 225, the Office Action states that the limitation "at least one other addressable lighting fixture" is not understood, as "it has not been defined in the claims and as such has no meaning within the context of the claims." Applicants respectfully disagree, and point out that various features relating to networking multiple lighting fixtures according to one embodiment of the present invention, as well as lighting fixtures with an addressable control circuit, or addressable lighting fixtures, are discussed in

detail at least in connection with Fig. 3 of the present application (e.g., see line 4, page 20 – line 10, page 21 of the specification) as well as in U.S. Patent No. 6,016,038, which is incorporated by reference in the present application (see lines 2-3 on page 18). In particular, concepts relating to addressable lighting fixtures, and coupling multiple addressable lighting fixtures together to form a networked lighting system, are discussed at least in col. 5, line 40 – col. 6, line 18 and again in col. 7, line 15-56 of U.S. Patent No. 6,016,038. Pursuant to MPEP §608.01(p) and §2163.07(b), information incorporated by reference in an application is as much a part of the application as filed as if the text of the incorporated reference was repeated in the application, and should be treated as part of the text of the application as filed. Accordingly, Applicants respectfully submit that the recitations in claims 109, 148, 168, 188 and 225 are neither vague nor indefinite in view of the application disclosure taken as a whole (i.e., including the material from U.S. Patent No. 6,016,038 incorporated by reference). Therefore, the rejections of these claims under 35 U.S.C. §112, second paragraph, should be withdrawn.

With respect to claims 115, 120, 155, 171, 191 and 230, the Office Action appears to question the claiming practice of referring to an element in a claim without positively claiming the element, and then later positively claiming the element in combination with previously recited limitations. More specifically, using claims 114, 115 and 120 as a representative example of this practice, the Office Action alleges that it is not clear how the at least one user interface and the elements as recited in claim 114 are situated with respect to one another such that there is a functioning apparatus. The Office Action further notes that “it would appear that applicants do not intend to claim the element ‘at least one user interface’ in claim 114. However, claims 115 and 120 recite ‘the at least one user interface’ which is referring back to the element ‘at least one user interface’ in claim 114.”

In this respect, the Office Action is correct: namely Applicants do not wish to positively claim “at least one user interface” in claim 114. Rather, claim 114 specifically recites that the lighting fixture is configured to be coupled to at least one user interface that provides at least one control signal to the control circuit. The narrowing limitation in claim 114 is that *the lighting fixture is configured to be coupled* to at least one user interface, and not that the lighting fixture necessarily includes the at least one user interface. In fact, according to at least one embodiment disclosed in Applicants’ specification, a lighting fixture may be configured to be optionally

coupled to different types of user interfaces, but may still function without necessarily requiring connection to one or more user interfaces (e.g., the lighting fixture may be configured for essentially automatic operation without significant user intervention). Various concepts relating to how a lighting fixture may be configured to accept user input and be responsive to one or more user interfaces are discussed in the specification at least in connection with Figs. 7-10, on page 30, lines 5-8, and again on page 31, line 8 – page 33, line 19. Claim 115, which depends from claim 114, further narrows the recitations of claim 114 by positively reciting the at least one user interface, in combination with the lighting fixture that is configured to be coupled to the at least one user interface.

In view of the foregoing, Applicants respectfully submit that claims 115 and 120 are neither vague nor indefinite. The remarks above in connection with claims 115 and 120 similarly apply to claims 155, 171, 191, and 230, which the Office Action rejects for the same reasons as claims 115 and 120. Accordingly, the rejections of claims 115, 120, 155, 171, 191 and 230 under 35 U.S.C. §112, second paragraph, should be withdrawn.

With respect to claims 116, 174 and 198, the Office Action states that allegedly it is not clear how the device adapted for holding fluorescent tubes and the elements as recited in claims 115, 171 and 183, respectively (and the intervening claims) are situated with respect to one another such that there is a functioning apparatus. Applicants respectfully disagree. To facilitate the following discussion, the Examiner's attention is first drawn to claim 88 as amended, from which each of claims 116, 174 and 198 ultimately depend.

Independent claim 88, as amended herein, now includes all of the limitations recited in claim 25 prior to the amendments herein (as discussed below in Section E). Specifically, claim 88 is directed to a lighting fixture for replacing fluorescent tubes. One example of such a lighting fixture is shown in Applicants' Fig. 29, wherein the lighting fixture is indicated with the reference sign (1150) (e.g., see specification, page 56, line 1). According to one embodiment, the assembly of the lighting fixture shown in Fig. 29 includes connectors (2504) that are capable of connecting with a device adapted for holding fluorescent tubes (e.g., see specification, page 56, lines 9-10). One example of such a device is shown in Applicants' Fig. 28 as the device (2402) (e.g., see specification, page 54, line 16 *et seq.*).

It is noteworthy that claim 88 does not positively recite the device adapted for holding fluorescent tubes (e.g., the device (2402) shown in Fig. 28); rather, the claim is directed to, at least in one embodiment, the lighting fixture shown in Fig. 29, which includes connectors that *are capable of connecting with such a device* (e.g., as shown in Fig. 28). Dependent claims 116, 174 and 198 each narrow claim 88 in that they recite the combination of the lighting fixture and the device adapted for holding fluorescent tubes (e.g., the lighting fixture (1150) shown in Fig. 29 in combination with the device (2402) shown in Fig. 28). Accordingly, Applicants respectfully submit that these claims are neither vague nor indefinite. Therefore, the rejections of claims 116, 174 and 198 under 35 U.S.C. §112, second paragraph, should be withdrawn.

The foregoing discussion in connection with claims 88, 116, 174 and 198 is intended merely to provide the Examiner with an illustrative example of at least one embodiment disclosed in the specification that provides support for the limitations recited in these claims, for purposes of arguing against the claim rejections under 35 U.S.C. §112, second paragraph. However, it should be appreciated that the scope of these claims is not limited to the particular exemplary embodiment discussed above.

E. Allowed and Allowable Claims

Applicants note with appreciation that, in item 11 on page 5, the Office Action indicates that claims 1, 16-19, 21, 22, 27, 33, 66-108, 110-114, 117-119, 121-147, 149-154, 156-167, 169, 170, 172, 173, 179-187, 189, 190, 192-197, 199, 200, 202-224, 226-229, 231-241, 243-292, 296 and 298 are allowed. Applicants also note that this listing of claims includes several dependent claims that, prior to the amendments herein, depended from rejected base claims. Accordingly, Applicants assume that the Office Action meant to indicate that while some of the listed claims are allowed, others recite allowable subject matter, and would be allowable if rewritten to include all of the subject matter of their respective base claims and any intervening claims.

Hence, while not acceding to the propriety of any claim rejections over prior art set forth in the Office Action, Applicants have rewritten some claims solely to accept the subject matter deemed allowable by the Examiner, so as to expedite the prosecution of this application towards allowance.

Following below is a recap of claims that are believed to be allowed or in condition for allowance, based on previously presented claims and claims as amended herein.

Independent claim 1 is allowed.

Independent claim 16 is allowed.

Independent claim 17 is allowed. Claims 18, 19, 21 and 22, which depend from claim 17, also are allowed.

Independent claim 25 has been amended to include all of the limitations of former dependent claim 27, which was indicated as reciting allowable subject matter. Accordingly, claim 25 as amended is in condition for allowance. Dependent claim 27 also has been amended herein to replace the formerly recited limitations with those recited in dependent claim 33 (as pending prior to the amendments herein). Claims 26-32 depend from claim 25 and are allowable based at least upon their dependency.

Former dependent claim 33 has been rewritten in independent form to include all of the limitations of its base claim 25 (prior to the amendments to claim 25 herein). Accordingly, claim 33 as amended is in condition for allowance.

Independent claim 66 is allowed. Claims 67-79 and 210-249 depend from claim 66 and are allowable based at least upon their dependency, as well as on any arguments and/or amendments herein in connection with claims 225, 230 and 242 to overcome various objections and rejections for informalities and indefiniteness issues (see Sections C and D above).

Independent claim 80 is allowed. Claims 81-84 depend from claim 80 and also are allowed.

Independent claim 85 is allowed. Claims 250-298 depend from claim 85 and are allowable based at least upon their dependency, as well as on any arguments and/or amendments herein in connection with claims 293-295 and 297 to overcome various objections and rejections for informalities and indefiniteness issues (see Sections C and D above).

Former dependent claim 86 has been rewritten in independent form to include all of the limitations of base claim 25 (prior to the amendments to claim 25 herein). Claim 87 depends from newly rewritten independent claim 86 and is allowable based at least upon its dependency.

Likewise, former dependent claim 88 has been rewritten in independent form to include all of the limitations of base claim 25 (prior to the amendments to claim 25 herein). Claims 89-

174 and 183-209 depend from newly rewritten independent claim 88 and are allowable based at least upon their dependency, as well as on any arguments and/or amendments herein in connection with claims 109, 115, 116, 120, 148, 155, 168, 171, 174, 188, 191, and 198 to overcome various objections and rejections for informalities and indefiniteness issues (see Sections C and D above).

Former dependent claim 175 has been rewritten in independent form to include all of the limitations of its base claim 25, including the newly added limitations of former dependent claim 27, which was indicated as reciting allowable subject matter. Accordingly, claim 175 as amended is in condition for allowance. Claims 176-182, which have been amended to be consistent with the language of claim 175 as amended, depend from claim 175 and are allowable based at least upon their dependency.

In items 12 and 13 on page 5 of the Office Action, a number of dependent claims are indicated as being allowable if amended to overcome various objections and rejections under 35 U.S.C. §112, second paragraph set forth in the Office Action. These objections and rejections were discussed above in Sections C and D.

F. Claim Rejections Under 35 U.S.C. §102 and §103

In item 7 on page 4 of the Office Action, claims 25, 26, 28, 31, 32 and 175 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Malita (U.S. Patent No. 5,388,357). In item 8 on page 4, claims 25, 26, 28, 29, 31, 32, and 175-178 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Madadi et al. (U.S. Patent No. 5,688,042). In item 10 on page 5, claim 30 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Malita and Madadi et al. The foregoing rejections are rendered moot by the amendments herein, which were made solely to expedite prosecution of this application toward allowance by accepting subject matter deemed allowable by the Examiner. Applicants do not concede that the foregoing rejections are proper, and reserve the right to file one or more related applications directed to the subject matter of the claims prior to the amendments herein.

G. Information Disclosure Statements/Initialed 1449 Forms

In reviewing the file history for this application, Applicants' representatives note that a number of 1449 Forms bearing the Examiner's initials, based on filed Information Disclosure Statements (IDSs), are missing from the file. Applicants would appreciate the Examiner's efforts in forwarding to Applicants' representatives, at the Examiner's convenience, copies of initialed 1449 forms for IDSs filed on the following dates:

- April 15, 2003 (first listed reference to Hed)
- March 10, 2003 (first listed reference to Timmermans)
- November 7, 2002 (first listed reference to Pashley et al)
- October 7, 2002 (first listed reference to Belliveau)

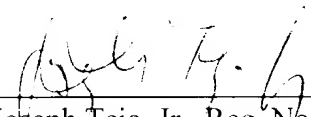
Applicants' representatives have stamped post cards from the USPTO indicating receipt of these IDSs. The Examiner is encouraged to contact the undersigned at the number listed below if the Examiner requires copies of these post cards and/or any of the IDSs indicated above.

CONCLUSION

In view of the foregoing amendments and remarks, this application should now be in condition for allowance. A notice to this effect is respectfully requested. If the Examiner believes, after this amendment, that the application is not in condition for allowance, the Examiner is requested to call the Applicants' attorney at the telephone number listed below to discuss any issues relating to the allowability of this application.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 50/2762.

Respectfully submitted,
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